

Message

From: Daguillard, Robert [Daguillard.Robert@epa.gov]
Sent: 5/22/2019 8:34:55 PM
To: OCSPP Daily Clips [OCSPP-Daily-Clips@epa.gov]
Subject: OCSPP Daily Clips, 22 May 2019

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Washington Post: The Energy 202: EPA blocks a dozen products containing pesticides thought harmful to bees

https://www.washingtonpost.com/news/powerpost/paloma/the-energy-202/2019/05/22/the-energy-202-epa-blocks-a-dozen-products-containing-pesticides-thought-harmful-to-bees/5ce46c34a7a0a46b92a3fd6a/?utm_term=.c5dce3d16d14

By [Dino Grandoni](#)

May 22 at 8:01 AM

THE LIGHTBULB

A volunteer checks honeybee hives for queen activity as part of a collaboration between the Cincinnati Zoo and TwoHoneys Bee Co., in Mason, Ohio. (AP Photo/John Minchillo, File)

The Environmental Protection Agency is pulling from the market a dozen products containing pesticides known to be toxic to a linchpin of the U.S. food system — the honeybee.

The agency [announced](#) Monday it has canceled the registrations of 12 pest-killing products with compounds belonging to a class of chemicals known as neonicotinoids, as part of a legal settlement.

For years, beekeepers and wildlife conservationists alike have voiced concern that the widespread use of neonics, as the chemicals are commonly called, is imperiling wild and domesticated bees crucial to pollinating commercial fruit, nut and vegetable crops.

The Trump administration's action was welcome news to some environmentalists. “Certainly we have a ways to go,” said George Kimbrell, legal director at the nonprofit advocacy group Center for Food Safety, whose lawsuit prompted the EPA’s action. “But it’s an important first step in acknowledging the harm they cause.”

The EPA has pulled other neonics from market before, agency spokesman John Konkus said in an email. But close observers of the agency say such actions are rare.

“For the EPA to pull a previously registered pesticide is a pretty major step,” said Mark Winston, a professor of apiculture and social insects at Simon Fraser University in Vancouver, B.C. “It’s not something they do very often.”

The decision follows five years of litigation in which the beekeepers and environmentalists pressed the agency to mount a response to the use of neonics as regulators in Europe and Canada have taken steps toward banning the chemicals.

Finally, at the end of 2018, three agribusinesses — Bayer, Syngenta and Valent — agreed to let the EPA pull from shelves the 12 pesticide products used by growers ranging from large-scale agricultural businesses to home gardeners. The legal settlement also compels the EPA to analyze the impacts of the entire neonic class on endangered species.

Two of the pesticide makers, Bayer and Valent, say their products are tested and safe to use, noting that the environmentalists and beekeepers won their case on the technical grounds that the EPA did not follow the right steps under the Endangered Species Act when registering their products.

“Neonicotinoids are rigorously tested before going to market to ensure they can be used safely and effectively,” said Steve Tatum, a spokesman for Valent, which makes four of the delisted products.

Bayer noted its two products targeted by the EPA action are not sold in the United States. But spokesman Darren Wallis added: “Growers rely on these critical pest-management tools because of their performance against destructive pests, as well as their favorable human and environmental safety profile.”

Concern over neonics has grown since 2006, when beekeepers first started witnessing the sudden and mysterious collapse of honeybee hives across the nation.

Researchers have shown the compounds to be harmful to bees in laboratory tests. But they have had less luck pinning down the pesticides’ effects on beekeepers’ colonies when they go about their work pollinating apple orchards and other farms.

In his second term Barack Obama, who had earlier approved installing a beehive on the South Lawn of the White House, launched an initiative to promote the health of honeybees and other pollinators.

But Rebecca Riley, legal director of the nature program at the Natural Resources Defense Council, said that the agency has failed often in the past to adequately consider the potential impact of its pesticide approvals on endangered animals — something every federal agency is supposed to do.

“EPA for years has been ignoring this requirement of the law,” she said.

That has led to a number of lawsuits, such as one the NRDC filed in 2017, asking a federal court to vacate the registrations of nearly 100 products that contain one of several insecticides that are harmful to various bees, butterflies, birds and insects. That case remains unresolved, even as the separate Center for Food Safety case led EPA to pull some pesticides from the market.

“This is a win for both the rule of law and also for bees, birds and other wildlife impacted by these pesticides,” Riley said of the latest case. “But the reality is there are hundreds of pesticide products on the market. So, this is important ... but it does not get rid of the danger.”

Brady Dennis contributed to this report.

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Food Safety News: Center for Food Safety wins in case to force EPA to ban 12 neonicotinoids

<https://www.foodsafetynews.com/2019/05/center-for-food-safety-wins-in-case-to-force-epa-to-ban-12-neonicotinoids/>

By Dan Flynn on May 22, 2019

Final notices of cancellation for the registration of 12 neonicotinoid pesticides have been published in the *Federal Register* by the U.S. Environmental Protection Agency.

The decision to pull the pesticides from the market was part of a legal settlement reached in December 2018 involving the Center for Food Safety and the EPA. The Center for Food Safety (CFS) is a 501c3, non-profit organization, based in Washington D.C. with offices also in San Francisco.

The litigation stems from a 2013 lawsuit brought by CFS on behalf of a coalition of conservationists and beekeepers. The civil complaint accused EPA of failing to protect pollinators, beekeepers, and endangered species from these dangerous pesticides.

Another part of the settlement will play out over time. For the first time, EPA is required to analyze and address the impact of the entire neonicotinoid pesticide class on endangered species under the Endangered Species Act.

CFS Legal Director George Kimbrell, who was lead counsel in the case, said the “cancellation of these neonicotinoid pesticides is a hard-won battle and landmark step in the right direction.”

“The war on toxins continues,” he said in a news release. “We will continue to fight vigilantly to protect our planet, bees, and the environment from these and similar dangerous toxins.”

A relatively new class of pesticides known as neonicotinoid pesticides or “neonics” are the products being canceled under the settlement. Chemically-related to nicotine, these “neonics” interfere with the nervous system of insects, causing tremors, paralysis, and eventual death. They are effective even when administered at shallow doses.

Unlike traditional pesticides, “neonics” are systemic — meaning they are distributed throughout the plant and make the entire plant toxic to insects. Bees and other pollinators are exposed to these toxic chemicals through pollen, nectar, dust, dew droplets on plant leaves, and in the soil where many native bee species nest. These neonics came into heavy use in the mid-2000s at the same time beekeepers were observing widespread cases of colony losses.

“Neonics represent an enormous threat to our bees and pollinators,” said Neil Carmen, pollinator liaison for The Sierra Club, a plaintiff in the case. “Taking these products off the market is absolutely necessary.”

Neonics are 10,000 times more toxic to bees than any other pesticide. They are typically applied as a seed coating, a process by which agrichemicals are mixed together with large batches of seeds in order to coat them before the seeds are planted.

After neonic-coated seeds are planted, the chemicals spread far beyond the crop they are intended for and can contaminate nearby wildflowers, soil, and water — all of which pose significant threats to bees foraging and nesting in the area. It has been known for several years that these chemicals can kill or weaken more than just the targeted pests. Non-target harm can occur to beneficial invertebrates, as well as to birds and other wildlife, through both direct and indirect effects.

The CFS case was originally filed in 2013. In May 2017, the court ruled in favor of the organization and the other plaintiffs. Represented by CFS legal counsel, the plaintiffs included CFS, Sierra Club, Beyond Pesticides, Center for Environmental Health, Pesticide Action Network, and four commercial beekeepers, Steve Ellis, Jim Doan, Tom Theobald and Bill Rhodes.

According to CFS, the European Union banned three neonic pesticides from being used on crop fields after the European Food Safety Authority (EFSA) expressed concern about the harms neonics pose to pollinators. France has also banned the use of two additional neonic pesticides in crop fields and in greenhouses.

In 2017, CFS filed another legal action against EPA demanding that neonic-coated seeds no longer escape regulation. In 2018, CFS filed a notice of intent to sue the Trump Administration for reversing a moratorium on neonic pesticides and genetically-engineered crops in wildlife refuges.

CFS recently endorsed the Protect our Refuges Act of 2019, which would reinstate the moratorium on wildlife refuges, and supports the Save America’s Pollinator’s Act, which would require EPA to take immediate action to protect pollinators from neonics. CFS is also petitioning California to protect four species of bumblebees by adding them to the state’s Endangered Species List.

CFS just launched a free Wild Bee ID app that empowers gardeners to take an active role in bee conservation by identifying the bees in their backyards that are native to North America and the plants those native bees have evolved to pollinate.

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Associated Press: Alaska to ship water to city with PFAS-contaminated wells

<https://www.cenews.net/greenwire/2019/05/22/stories/1060378919>

Published: Wednesday, May 22, 2019

Alaska plans to begin shipping water to a town where chemical contamination was found in area wells, officials said.

Perfluoroalkyl and polyfluoroalkyl substances, or PFAS, were found in wells in Yakutat, CoastAlaska reported yesterday.

The Department of Transportation and Public Facilities announced Friday it would begin shipping water to at least one Yakutat property.

Tests of 14 wells near the city's airport indicated five had detectable substance amounts. In Alaska, the compounds have leached into groundwater because firefighting foam required by the Federal Aviation Administration was used during practice drills at state-owned airports.

EPA's website describes the substances as "man-made chemicals" that can lead to "adverse human health effects." EPA reports the chemicals are no longer manufactured in the U.S. but are produced internationally and can be imported into the U.S. in consumer goods.

Yakutat officials said they have not seen full laboratory results from groundwater tests by the state Department of Environmental Conservation.

"I was asking about a level that was dangerous, or at least problematic, and why they hadn't notified us," said Borough Manager Jon Erickson, who requested information May 13. "And I still haven't heard anything from DEC as far as results."

Residents should not drink or cook with contaminated water, said Kristin Bridges, a state toxicologist.

Boiling water will not work as a purifying method because it "can actually concentrate the amount of PFAS in the water as the steam rises off," she said. — *Associated Press*

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BNV: Nonstick Chemical Bills Not Ready for Prime Time, Barrasso Says

<https://news.bloombergenvironment.com/environment-and-energy/nonstick-chemical-bills-not-ready-for-prime-time-barrasso-says>

Posted May 22, 2019, 12:47 PM

By Sylvia Carignan

- Senate committee considering six PFAS bills
- Bills not yet ready for markups, Barrasso said

The head of the Senate's environment panel is wary of regulating a class of thousands of chemical compounds at once—a position that threatens progress toward a legislative package addressing the ubiquitous compounds' presence as environmental contaminants.

Sen. John Barrasso (R-Wyo.) chairs the Senate's Environment and Public Works Committee, which met May 22 to discuss six bills addressing per- and polyfluoroalkyl substances (PFAS). Most of the bills address the chemicals as a class.

Those bills aren't yet ready for a markup, and as a result are unlikely to become part of the Senate's defense authorization bill, he said after the hearing.

Democrats have raised the possibility of using the defense bill as a vehicle to pass PFAS bills, since much of the contamination has occurred at and around military bases.

The chemicals vary in the risks they may pose, Barrasso said, making it necessary to research and target the ones that present the most risk to human health and the environment.

Linda Birnbaum, director of the North Carolina-based National Institute of Environmental Health Sciences, told the committee March 28 that the chemicals are best tackled as a class, in order to assess public exposure and protect public health. The EPA is exploring whether to do so.

Regulating PFAS

The family of thousands of compounds has been used to manufacture firefighting foams as well as nonstick and stain-resistant coatings in clothing, fast-food wrappers, carpets, and other consumer products.

The six bills address agencies' different roles in addressing environmental pollutants:

- [S. 638](#), PFAS Action Act of 2019, introduced by Sen. Tom Carper (D-Del.), would require the EPA to designate PFAS as hazardous substances under Superfund law within a year of the bill's enactment;
- [S. 950](#), PFAS Detection Act of 2019, introduced by Sen. Debbie Stabenow (D-Mich.), would require the U.S. Geological Survey to sample PFAS in water and soil across the country and set detection standards;
- [S. 1251](#), Safe Drinking Water Assistance Act of 2019, introduced by Sen. Jeanne Shaheen (D-N.H.), would form an interagency working group on emerging contaminants, including the EPA, Department of Health and Human Services, and the U.S. Geological Survey, and would start a research initiative;
- [S. 1372](#), PFAS Accountability Act of 2019, introduced by Stabenow, would facilitate cooperative agreements between federal agencies and states to address PFAS in the environment;
- [S. 1473](#), Protect Drinking Water from PFAS Act of 2019, introduced by Sen. Kirsten Gillibrand (D-N.Y.), would require the EPA to set maximum contaminant levels for PFAS in drinking water within two years of the bill's enactment;
- [S. 1507](#), PFAS Release Disclosure Act, introduced by Sen. Shelley Moore Capito (R-W.Va.), would incorporate some PFAS chemicals into the EPA's Toxics Release Inventory.

A similar hearing in the House May 15 addressed 13 PFAS bills.

To contact the reporter on this story: Sylvia Carignan in Washington at scarignan@bloombergenvironment.com

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BNV: Bayer Judge Picks Mediator Feinberg for Roundup Settlement Talks

<https://news.bloombergenvironment.com/environment-and-energy/bayer-judge-picks-mediator-feinberg-for-roundup-settlement-talks>

Posted May 22, 2019, 1:55 PM

By [Joel Rosenblatt](#)

- District Judge aims to settle massive backlog of glyphosate cancer suits
- Ken Feinberg, who handled BP spill settlements, provisionally involved

A U.S. judge overseeing Roundup-cancer lawsuits against Bayer AG provisionally appointed high-profile mediator Ken Feinberg to lead settlement negotiations over the herbicide litigation, which has become a dead weight to the company since it acquired Monsanto almost one year ago.

U.S. District Judge Vince Chhabria in San Francisco, who's handling hundreds of lawsuits filed against Bayer in federal court, on May 22 told lawyers for the company and those representing plaintiffs that they must meet with Feinberg in the next two weeks.

Chhabria said Feinberg hasn't yet fully committed to leading the mediation.

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Engineering News-Record: Environmental Groups Push for Tighter PFAS Standards

<https://www.enr.com/articles/46930-environmental-groups-push-for-tighter-pfas-standards>

May 22, 2019

Mary B. Powers

Two environmental groups are calling on the Environmental Protection Agency to regulate and require the cleanup of per- and polyfluoroalkyl substances (PFAS) and list them as hazardous substances under the Clean Air Act, the Clean Water Act and the Comprehensive Environmental Response, Compensation, and Liability Act.

“The evidence has become clear that PFAS are our new PCBs—but appear to be more widespread and dangerous,” Erik Olson, senior director at the Natural Resources Defense Council, told members of a House of Representatives Energy and Environment subcommittee during a May 15 hearing on PFAS.

The Environmental Working Group on May 6 proposed a cleanup standard of 1 part per trillion for PFAS after a study discovered that contamination in the U.S. was triple what it was thought to be a year ago. The recommendation is in contrast to the EPA’s April 25 interim recommended clean up standard of 70 ppt for two chemicals in the group: perfluorooctanoic acid and perfluorooctanesulfonic acid. EPA’s recommendation was based on its current scientific understanding of PFAS toxicity, says EPA Administrator Andrew Wheeler.

The environmental advocates also recommended the PFAS group, which contains about 5,000 synthetic fluorinated organic chemicals, be regulated as a class rather than one by one. PFAS, which have been used in cookware, food packaging, stain repellents and fire-fighting foams, have been linked to health issues and cancers.

As of March 2019, at least 610 locations in 43 states were known to be contaminated with PFAS chemicals, including drinking water systems serving about 19 million people, the Social Science Environmental Health Institute in Boston said. The number of known contaminated sites was 172 in July 2018.

Tracy Mehan, with the American Water Works Association, said EPA has made positive steps, but could do more. He suggested the Toxic Substances Control Act and the Safe Drinking Water Act could be used to protect against PFAS contamination.

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WGLT: Advocates Want Tougher Water Testing For Toxic Chemicals

<https://www.wglt.org/post/advocates-want-tougher-water-testing-toxic-chemicals-0#stream/0>

By [ERIC STOCK](#) • 7 MINUTES AGO

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Bloomington last tested for PFAS in its water six years ago. The last three tests showed no trace of the chemical.

ERIC STOCK / WGLT

An environmental advocacy group lists Bloomington among more than 600 locations across the United States whose water may be contaminated with a highly toxic compound, while city officials maintain the city’s water is safe.

The Environmental Working Group [recently released a report](#) which indicated Bloomington tested positive for trace levels of PFAS (Perfluoroalkyl and polyfluoroalkyl substances). The group claims as of March, the compound has been detected in 43 states, potentially contaminating the drinking water systems of more than 19 million people.

A test in 2013 detected PFAS at 47 parts-per-trillion in Bloomington's groundwater, which falls below the Environmental Protection Agency's advisory threshold for 70 parts-per-trillion which would trigger mitigation.

"It's not as great a concern as what we have seen in some other contaminated systems, but certainly it's a level that if it were I my water, I wouldn't be drinking it without a filter," said Bill Walker, editor in chief of EWG.org.

Bloomington Public Works Director Jim Karch said he doesn't see the need for the city to further test its water for PFAS, noting the last three tests in 2013 showed no trace of the chemical.

CREDIT MIKE MILETICH / WGLT

Bloomington Public Works Director Jim Karch said the city isn't sure how the initial study showed trace levels of PFAS, but three subsequent tests later that year showed no indication of the compound, so the city no longer had to test for it.

"We weren't a community that needed to continue to look at it," Karch said. "There were no concerns. We still do meet all of our state and federal requirements for safe drinking water."

PFAS are a water soluble manmade chemical that's used in waterproof clothing, fire-retardant foam and used to be in Teflon.

It's generally more prevalent near military bases, airports, firefighter training sites and industrial plants and industrial landfills.

The federal Safe Drinking Water Act doesn't include enforceable limits for PFAs. The Trump administration decided earlier this year it would not require additional testing.

The EWG believes there's enough uncertainty about PFAS they should be tested more frequently that the federal government currently requires.

Walker acknowledged the science around the safety of PFAS is still evolving, but he points to studies which show pregnant women who drink the contaminated water have a higher risk of having children with developmental disabilities, greater risk of obesity and weakened immune systems. In some cases, defects were reported in fetuses and those with weakened immune systems at just 1 part per trillion PFAS contamination in their water.

Walker said studies have shown higher rates of cancer and kidney disease for those who have had daily exposure to the chemicals over a number of years.

"Every state in the country ought to be undergoing some level of testing at least," Walker said. "States that have not done very much testing I would say that they are not doing their duty to protect their citizens."

Illinois State University sociology professor Joan Brehm said the federal government should call for expanded water quality testing, including annual testing for PFAS.

CREDIT JOAN BREHM

Joan Brehm is a sociologist at Illinois State University and she studies water quality issues.

She said the Federal Agency for Toxic Substances Disease Registry has proposed capping allowable PFAS levels at 7 to 11 parts-per-trillion but the EPA hasn't taken action on the proposal, a threshold more restrictive than what the EPA is currently suggesting.

"There's a difference of opinion over what that standard should be," Brehm said. "We just don't know enough about these chemicals.

"We have a long history in this country of using chemicals and then realizing that they are not good for us. We have examples of DDT and other chemicals we have historically used where then we find out that they are in fact carcinogens."

Brehm suggested the U.S. has it backwards when it comes to allowing chemicals to be used until they are proven unsafe. She noted in Europe, chemical regulation requires extensive testing for human and environmental health effects before a chemical can be placed on the market.

“Basically no data, no market, and here (in the U.S.), we basically have to prove that a chemical is harmful before it’s use can be stopped,” Brehm said.

Brehm added more cities and towns should take it upon themselves to test for these chemicals with or without federal mandates, though she added Bloomington and Normal have long histories of protecting the safety of their drinking water supplies.

Brehm added many mistakenly believe they can simply remove all chemicals with a water filter, but she said more commercial filters won’t remove PFAS.

Karch said most water quality problems are caused in the home.

“It is good in your home to make sure (you are) changing and cleaning out those aeration devices on the end of your faucet,” Karch said. “When’s the last time that you might have checked that? If it’s been a year or never, now would be the time.”

Brehm said bottled water generally isn’t any safer than what you draw from the tap.

“The regulatory steps they have to go through for bottled water are far less in terms of assessing for contamination and such compared to municipal supplies,” Brehm said.

The report from the Environmental Working Group also showed PFAS contamination in Galesburg and Rantoul, the site of a decommissioned Air Force base. It also reported contamination in 42 other states.

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Monroe News: Monroe Fire Dept. proposes eliminating PFAS foams

<https://www.monroenews.com/news/20190522/monroe-fire-dept-proposes-eliminating-pfas-foams>

By Sydney Nimeth

Monroe News Staff Reporter

Posted at 4:00 PM

The City of Monroe Fire Department has proposed an environmentally friendly approach by switching to a new firefighting foam product.

The City of Monroe Fire Department has proposed an environmentally friendly approach to fighting fires.

Speaking at a city council work session, Captain Mike Foley and Chief Robert Wight talked about recent fire department purchases, including new firefighting foam without per- and polyfluoroalkyl substances.

According to Foley, the department currently uses Class A Foam to help extinguish fires, but this type of foam does contain PFAS.

The foam is mixed with the water supply on the trucks to quickly extinguish a fire. Firefighting foam is much quicker at taming a fire compared to regular water because of its chemical components. Class A Foam bonds with the carbon molecules to stop a fire.

“You cannot relight [the fire] because it bonds at a molecular level,” Foley said. “It provides that much more fire suppression... you can really tell the difference.”

According to Foley, the State Fire Marshall recently told the fire department to stop buying foam with PFAS in high quantities.

“The foam we are currently using, FireAde, has a low amount of PFAS, but it does contain PFAS,” Foley said.

Video: May 20 Monroe City Council work session

Foley said eventually all Class A Foam will not be allowed to contain PFAS.

“We thought we might as well get ahead of the game...and go with the environmental stuff,” he said.

With a proposed budget of \$50,000 from bond proceeds, \$3,400 is for firefighting foam. That will supply the fire department with a years’ worth of foam at 35 gallons a piece on two trucks. Class A Foam is a reoccurring item on the fire department’s budget, according to Monroe City Manager Vincent Pastue.

Other proposed department upgrades include new hoses, lighting and extrication tools. Part of the upgrades stem from the National Fire Protection Agency changing equipment standards in 2015. Under the new NFPA standards, fire hoses need to be replaced every 10 years.

Pastue told the council the foam may come out of the fire department's general fund rather than the bond proceeds. "There was some whisper about environmental issues with the foam 15 years ago... but we had no idea," Foley said. "[PFAS] was completely legal and it worked really well, but they had to go back to the drawing board and think of something else."

The fire department's proposed upgrades will be voted on by the council at a later meeting.

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Bennington (VT) Banner: PFAS-related bills edge toward passage

PFAS-related bills edge toward passage

<https://www.benningtonbanner.com/stories/pfas-related-bills-edge-toward-passage,574125>

PHOTO PROVIDED

Posted Tuesday, May 21, 2019 8:36 pm

By Jim Therrien, Bennington Banner

BENNINGTON — Several bills filed or strongly supported by Bennington lawmakers have made it through the legislative gauntlet this session, including a couple that will put Vermont in the forefront in terms of environmental protection.

Sens. Brian Campion and Dick Sears, both Bennington Democrats, said three bills related to PFOA (perfluorooctanoic acid) contamination around former ChemFab Corp. factories in Bennington have advanced and one has been signed by Gov. Phil Scott.

Scott signed S.49, which calls for an expansion of testing for PFAS (per- and polyfluoroalkyl substances) chemicals, or the group including PFOA, throughout the environment.

While the PFOA contamination in Bennington was found in groundwater and hundreds of wells — spread through factory stack emissions that built up in the soil — Campion said many state residents receive drinking water from Lake Champlain and other bodies of water.

The bill will require additional monitoring and testing for PFAS substances in lakes and streams and in drinking water supplies. PFOA contamination around two former ChemFab Corp. factories in Bennington was determined by the state to be the source of widespread pollution in groundwater and several hundred local wells.

The bill, effective on July 1, also will require leachate from landfills to be tested and treated for polyfluoroalkyl substances before discharge into the waters of the state.

Campion said he is concerned about the possible spread of PFAS chemicals that remaining in wastewater plant sludge, which sometimes is spread on farm fields as fertilizer.

S.37, another bill inspired by the experience in Bennington, establishes a legal mechanism for victims of chemical pollution in water supplies to seek in court long-term medical monitoring costs from the responsible company.

The bill, filed by Sears and Campion, also began with a provision allowing companies to be held liable for release of toxic substances into the atmosphere — a provision that Scott cited as a deterrent to businesses expanding or locating in Vermont when he vetoed similar legislation last year.

The liability provision was deleted this session in the House.

Sears said the bill that passed this year — but hasn't yet been signed by the governor — "is in the long run fairly good at holding them accountable for medical monitoring."

The law establishes a clear right for Vermonters to go to court to make those determined to be polluters pay for the cost of medical testing before a person actually has a disease associated with the contamination.

Another bill related to toxic materials, S.55, was in a House-Senate conference committee in an attempt to iron out differences.

That legislation — also similar to one introduced last year, passed and vetoed by Scott — establishes the Interagency Committee on Chemical Management to strengthen reporting requirements and regulation of toxic materials and provides a role for the Department of Public Health in monitoring children's toys for safety concerns.

Plastics pollution

Another bill expanding environmental protections is S.113, which bans single-use plastic shopping bags at the point of sale and polystyrene foam packaging for take-out food has passed overwhelmingly in both the House and Senate.

A conference committee worked out and approved final bill details last week.

ARTICLE CONTINUES AFTER THESE ADS

Campion said support for the legislation built up momentum throughout the session, likely fueled by a marked shift on the issue among the public following dramatic news reports about plastic products fouling the environment and collecting in the world's oceans.

Among provisions in the final version are a ban on single-use plastic shopping bags, a 10 cent fee for paper bags; a ban on polystyrene foam containers for prepared foods; a ban on eateries providing plastic drink straws unless requested by a customer; and establishment of a working group to study packaging issues over the summer and make recommendations to the Legislature.

A marijuana bill that Sears, chairman of the Senate Judiciary Committee, sponsored and has strongly supported, has not advanced. It would regulate retail sale and taxation for recreational marijuana, which became legal to possess last summer.

S.54, passed the Senate but became stalled in the House, in part because of a disagreement over requirements for saliva testing of motorists for marijuana use, which Scott favors.

Supporters of a tax and regulate system say the saliva tests would only show a person has used marijuana but not when or whether they were actually impaired.

"It was very discouraging," Sears said Tuesday. "I thought we had an agreement."

He added, "Now, we will send our tax money to Massachusetts [which legalized recreational pot] and the illegal market."

Sears likened the situation to the Prohibition Era of the 1920s, with illegal sales of unregulated and untested alcohol in the market and smuggling of liquor from Canada and elsewhere into the U.S.

"The House keeps coming up with excuses for not supporting this," he said. "It is really absurd."

The Legislature has also passed S.40, a bill calling for testing of water taps in Vermont schools and child care centers for lead levels. The bill advanced last week after a compromise on House and Senate versions of the legislation.

A principal difference was that the House and Senate versions listed a different level of lead in the water that would trigger remediation of faucets or other fixtures deemed responsible for the contamination.

The Senate bill called for an action level of 3 parts per billion of lead, while the House version set the level at 5 parts per billion. Campion, a lead sponsor, said the compromise that advanced the bill was for 4 parts per billion.

In addition, the bill provides \$3 million for testing of water taps and remediation work such as new plumbing fixtures.

The bill, which Scott is expected to sign, "is one of the strongest, if not the strongest in the country" in protecting young people from the effects of lead, Campion said.

Lead is considered especially devastating to the minds and bodies of young children.

The American Academy of Pediatrics has said there is no safe level of lead in drinking water for children.

Jim Therrien writes for New England Newspapers in Southern Vermont, including the Bennington Banner, Brattleboro Reformer and Manchester Journal. Twitter: @BB_therrien

Cheers, R.

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